THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3763 of 2007

Dated: 16-03-2007

Between:

Girigiri Karamchander.

..... PETITIONER

AND

The District Collector, Karimnagar, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3763 of 2007

ORDER:

The petitioner is resident of Chintakunta Village, Karimnagar Mandal and District. It is his case that his father late Anjaiah was assigned land admeasuring Acs.5.00 in survey No.439/C situated at Chintakunta Village, who used to raise rainfed crops like green gram, black gram, maize, jawar etc., in said land. In 1999, when his father was alive, third respondent passed orders for resumption of the land dated 30.06.1999, on the allegation of contravention of the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity). An appeal was filed by his father before second respondent. As no orders were passed, his father, Anjaiah, filed W.P.26683 of 2000, which was disposed by this Court on 29.12.2000 directing second respondent to dispose of the appeal. Thereafter, the appeal was dismissed on 18.02.2006. Meanwhile, his father, Anjaiah, died and his legal representatives, including the petitioner herein, came on record. After dismissal of the appeal, the petitioner herein along with his brothers preferred a revision before first respondent on 19.05.2006. While the same was pending, third respondent tried to dispossess them. Therefore, the petitioner filed instant writ petition seeking appropriate direction to first respondent to dispose of the revision.

On 27.02.2007 when the matter was listed for preliminary hearing, the same was adjourned at the request made by the learned Assistant Government Pleader for Revenue (Assignment) to get instructions in the matter. Thereafter the matter was listed on 01.03.2007, when again a request was made by the learned counsel for the petitioner for adjournment. The learned Assistant Government Pleader obtained instruction, but no counter-affidavit is filed.

A perusal of the proceedings of third respondent dated 30.06.1999 would show that the assignment made in favour of Anjaiah, father of the petitioner, was cancelled on the ground that he failed to cultivate the land and violated the conditions of assignment. Anjaiah died and now his sons including the petitioner also allege that after assignment, Anjaiah raised rainfed crops., in the land and he (Anjaiah) was very much in possession. It is a question of fact to be verified by second respondent. The appeal filed by the father of the petitioner under Section 4-A of the Act was dismissed, against which the revision preferred by the petitioner along with his brothers under Section 4-B of the Act is pending for about one year. Even while the appeal and

revision are pending, the petitioner alleges that there is threat of dispossession. The learned Assistant Government Pleader, however, submits that after dismissal of the appeal filed by the father of the petitioner by second respondent on 18.02.2006, possession was taken on 28.02.2006 where as the revision was filed before first respondent on 19.05.2006. Therefore, it would be better if *status quo* is maintained by the respondents pending disposal of the revision. Now that the revision has been kept pending for about a period of one year, this Court observes that first respondent or the Joint Collector as the case may be may be should dispose of the revision within a period of four weeks from the date of receipt of a copy of this order.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

16th March, 2007
ghn